

**MINUTES  
LANCASTER COUNTY BOARD OF EQUALIZATION  
TUESDAY, FEBRUARY 12, 2002  
COUNTY COMMISSIONERS CHAMBERS  
FIRST FLOOR, COUNTY-CITY BUILDING  
1:30 P.M.**

Commissioners Present: Bob Workman, Chair  
Bernie Heier, Vice Chair  
Larry Hudkins  
Ray Stevens

Commissioners Absent: Kathy Campbell

Others Present: Norm Agena, County Assessor  
Kerry Eagan, Chief Administrative Officer  
David Johnson, Deputy County Attorney  
Bruce Medcalf, County Clerk  
Trish Owen, Deputy County Clerk  
Gwen Thorpe, Deputy Chief Administrative Officer

- 1) **MINUTES:** Approval of the minutes of the Board of Equalization meeting held on Tuesday, February 5, 2002. (A copy of these minutes is on file in the office of the Lancaster County Clerk.)

**MOTION:** Stevens moved and Hudkins seconded approval of the minutes of the Board of Equalization meeting dated February 5, 2002. Hudkins, Workman and Stevens voted aye. Heier abstained from voting. Motion carried.

- 2) **ADDITIONS AND DEDUCTIONS:**

**Approval of 88 additions and deductions to the tax assessment rolls per Exhibit A.**

Hudkins indicated he had a conflict of interest and would be abstaining.

**MOTION:** Heier moved and Stevens seconded approval of the additions and deductions. Heier, Stevens and Workman voted aye. Hudkins abstained from voting. Motion carried.

3) **MOTOR VEHICLE TAX EXEMPTIONS:**

**Cornhusker Chapter Pheasants Forever (Deferred from the February 5, 2002 agenda.)**

Richard Nuernberger, County Treasurer, explained that the motor vehicle tax exemption for the Cornhusker Chapter Pheasants Forever should be denied because the organization is not exempt.

**MOTION:** Heier moved and Stevens seconded to deny the motor vehicle tax exemption for the Cornhusker Chapter Pheasants Forever because the organization is not exempt. Stevens, Workman, Heier and Hudkins voted aye. Motion carried.

4) **DENIAL OF A MOTOR VEHICLE TAX EXEMPTION:**

**Madonna Rehabilitation Hospital**

**MOTION:** Heier moved and Stevens seconded to deny the motor vehicle tax exemption for Madonna Rehabilitation Hospital because it was not timely filed. Workman, Hudkins, Stevens and Heier voted aye. Motion carried.

5) **SETTING OF A PUBLIC HEARING FOR NOTICE OF VALUATION CHANGE:**

**Setting of a public hearing for Tuesday, February 26, 2002 at 2:30 p.m. in the County Commissioners Chambers, Room 112, on the first floor of the County-City Building for notice of valuation change for omitted or undervalued property for DWAI LLC.**

**MOTION:** Hudkins moved and Heier seconded approval of setting a public hearing for Tuesday, February 26, 2002 at 2:30 p.m. for notice of valuation change for omitted or undervalued property for DWAI LLC. Hudkins, Stevens, Workman and Heier voted aye. Motion carried.

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The Chair recessed the Board of Equalization meeting until 2:30 p.m. when it was reconvened.

6) **APPEAL FILED ON PENALTY ASSESSED ON PERSONAL PROPERTY FOR THE FOLLOWING:**

**Abenmusik Lincoln, Inc.**

Matt Westenburg, appearing on behalf of Abenmusik Lincoln, Inc., requested that the penalty be abated.

Norm Agena, County Assessor, explained that a 501 C-3 organization doesn't get an automatic exemption and that they would also need to qualify as a charitable, religious, cemetery or educational organization.

He further stated that the County Board cannot, by Nebraska State Statute, waive the penalty for 1999 or 2000.

**MOTION:** Hudkins moved and Heier seconded to accept the County Assessor's recommendation and assess a ten percent penalty against personal property for Abenmusik Lincoln, Inc. for 1999 and 2000. Stevens, Workman, Hudkins and Heier voted aye. Motion carried.

7) **ADJOURNMENT:**

By direction of the Chair, the Board of Equalization meeting was adjourned at 2:40 p.m.

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Bruce Medcalf  
County Clerk

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- 1) **MINUTES:** Approval of the minutes of the Board of Commissioners meeting held on Tuesday, February 5, 2002. (A copy of these minutes is on file in the office of the Lancaster County Clerk.)

**MOTION:** Hudkins moved and Stevens seconded approval of the minutes of the Board of Commissioners meeting dated February 5, 2002. Hudkins, Workman and Stevens voted aye. Heier abstained from voting. Motion carried.

- 2) **CLAIMS FOR REVIEW:**

There were no claims for review.

- 3) **CLAIMS:** Approval of all claims processed through Tuesday, February 12, 2002.

**MOTION:** Hudkins moved and Heier seconded approval of the claims through February 12, 2002. Stevens, Workman, Heier and Hudkins voted aye. Motion carried.

4) **SPECIAL PRESENTATIONS:**

**A. 2001 Annual and Honorable Mention Commissioners Award of Excellence Winners were presented to the following:**

- ▶ 2001 Annual Winner - Matthew Petersen, Correctional Officer with the Lancaster County Corrections Department.
- ▶ 2001 Honorable Mention - Michael Scofield, Deputy Sheriff with the Lancaster County Sheriff's Office.
- ▶ 2001 Honorable Mention - Jolene Zochol, Director of Social Workers at Lancaster Manor.

**B. The Commissioners Award of Excellence for January, 2002 was presented to Paula Garza with the Veterans Services Center.**

**MOTION:** Hudkins moved and Stevens seconded approval of Special Presentation Items 4A and 4B. Hudkins, Stevens, Workman and Heier voted aye. Motion carried.

5) **OLD BUSINESS:**

**A. A resolution adopting a policy governing the expenditure of public funds for payment or reimbursement of actual and necessary expenses incurred by County elected officials, appointed officials, employees and volunteers. (R-02-13)**

**MOTION:** Heier moved and Hudkins seconded approval of Resolution 02-13. Stevens, Workman, Hudkins and Heier voted aye. Motion carried.

6) **NEW BUSINESS:**

**A. An agreement with Lutheran Family Services of Nebraska, Inc. to provide non-physician substance abuse treatment services for males placed in the Lancaster County Adult Drug Court, beginning July 1, 2001 and ending June 30, 2002. The County will pay \$3,000 for a designated counselor to participate as a drug team member. The County will also be responsible for up to \$450 per participant in the program and will be billed after all other avenues have been exhausted by Lutheran Family Services for reimbursement. (C-02-52)**

6) **NEW BUSINESS CONTINUED:**

David Johnson, Deputy County Attorney, noted the following changes:

- ▶ Addition of language on Page Three, Subsection H: "The County shall pay up to \$15,000 for the treatment services under the contract term."
- ▶ Amended language on Page Two stating if the Lancaster County Adult Drug Court (LCADC) is unable to receive payment from the participant, LCADC will take action against the participant prior to the County paying for services rendered.

Johnson also requested that the County Board approve the contract subject to the Clerk's Office receiving executed originals.

**MOTION:** Hudkins moved and Stevens seconded approval of the agreement with Lutheran Family Services of Nebraska, Inc. with the provisions as outlined by the Deputy County Attorney. Heier, Workman, Hudkins and Stevens voted aye. Motion carried.

**B. A contract between the Lancaster County Engineering Department and Johnson Appraisal, LLC, in the amount \$10,125, for appraisal services in connection with Project C55-QR-408(1), 120<sup>th</sup> Street to Bennet Road in Lancaster County, Nebraska. (C-02-53)**

**MOTION:** Hudkins moved and Heier seconded approval of a contract with Johnson Appraisal, LLC. Stevens, Workman, Heier and Hudkins voted aye. Motion carried.

**C. An agreement with Norris Public Power District of Beatrice for the adjustment of its facilities along and in accordance with County Project C55-N-404(1) on Denton Road west from the Village of Denton to the County line and for one-quarter mile south of Southwest 98<sup>th</sup> Street. The estimated cost to the County for these services is \$46,504.40. The County will pay up to \$50,000 for the services. (C-02-54)**

**MOTION:** Heier moved and Stevens seconded approval of an agreement with Norris Public Power District of Beatrice. Heier, Workman, Stevens and Hudkins voted aye. Motion carried.

6) NEW BUSINESS CONTINUED:

- D. An agreement with Community Alternatives to provide services to the Lancaster County Records and Information Management Department beginning January 1, 2002 and ending December 31, 2002. The County will pay no more than \$30,000 for these services. (C-02-55)**

Johnson requested that should the County Board approve the agreement it be subject to receipt of the certificate of insurance.

**MOTION:** Heier moved and Stevens seconded approval of an agreement with Community Alternatives subject to receiving a certificate of insurance. Stevens, Hudkins, Heier and Workman voted aye. Motion carried.

- E. Two resolutions in the matter of amending the 2002 through 2007 Fiscal One and Six Year Lancaster County Road and Bridge Improvement Program to add the following into the One Year Plan:**

- ▶ **Project C55 #29 to rock North 27<sup>th</sup> Street beginning at Agnew Road and ending at Little Salt Road. (R-02-14)**
- ▶ **Project C55-J-121 to remove an existing bridge and replace it with a concrete box culvert on North 112<sup>th</sup> Street between Adams Street and Havelock Avenue. (R-02-15)**

**MOTION:** Hudkins moved and Stevens seconded approval of Resolution 02-14 and Resolution 02-15. Workman, Hudkins, Stevens and Heier voted aye. Motion carried.

- F. A resolution in the matter of instituting eminent domain proceedings against Christopher and Denise Huenick; Project STPE-3265(6), Tract 53. (R-02-16)**

**MOTION:** Heier moved and Stevens seconded approval of Resolution 02-16. Hudkins, Workman, Heier and Stevens voted aye. Motion carried.

- G. A resolution in the matter of instituting eminent domain proceedings against Everett L. and Ruth D. Luhrs; Project C.P. V-164, Tract 1. (R-02-17)**

**MOTION:** Heier moved and Stevens seconded approval of Resolution 02-17. Heier, Stevens, Workman and Hudkins voted aye. Motion carried.

6) **NEW BUSINESS CONTINUED:**

**H. A resolution in the matter of instituting eminent domain proceedings against Bill and Kathy Moser; Project STPE-3265(6), Tract 37. (R-02-18)**

**MOTION:** Heier moved and Stevens seconded approval of Resolution 02-18. Hudkins, Stevens, Heier and Workman voted aye. Motion carried.

**I. A resolution in the matter of instituting eminent domain proceedings against Elton C. and Norma J. Long; Project STPE-3265(6), Tract 36. (R-02-19)**

**MOTION:** Heier moved and Stevens seconded approval of Resolution 02-19. Hudkins, Heier, Workman and Stevens voted aye. Motion carried.

**J. A resolution authorizing the installation of the following traffic signs in Lancaster County, Nebraska: (R-02-20)**

- ▶ **Install "Low Clearance" signs in advance of the former Union Pacific Railroad overpass located on Pella Road east of Highway 77. One sign for eastbound traffic and one sign for westbound traffic.**
- ▶ **Install "Low Clearance" signs in advance of the Burlington Northern Santa Fe overpass located on Northwest 84<sup>th</sup> Street north of Emerald. One sign for northbound traffic and one sign for southbound traffic.**

**MOTION:** Hudkins moved and Heier seconded approval of Resolution 02-20. Heier, Stevens, Hudkins and Workman voted aye. Motion carried.

**K. Approval of the Federal Annual Certification Report for the County Attorney's Office. The Equitable Sharing Fund Balance for the County is \$48,430.18.**

**MOTION:** Hudkins moved and Heier seconded approval. Stevens, Workman, Heier and Hudkins voted aye. Motion carried.

6) NEW BUSINESS CONTINUED:

- L. Recommendation from the Purchasing Agent and the Lancaster County Engineer to award a bid to Hank Buis Construction, Inc., in the amount of \$135,700, for construction of a maintenance station at Raymond, Nebraska. (B-02-05)

**MOTION:** Hudkins moved and Stevens seconded approval. Workman, Hudkins, Stevens and Heier voted aye. Motion carried.

- M. Approval of Joint Budget Committee Keno Prevention Fund grants as follows:

- ▶ Bright Lights, in the amount of \$1,500, for scholarships.
- ▶ KZUM Radio, in the amount of \$3,750, for ethnic minority HIV/AIDS programming.
- ▶ Lincoln Interfaith Council, in the amount of \$3,750, for after school programs.
- ▶ Madonna Rehabilitation Hospital, in the amount of \$1,750, for a bike helmet safety program.
- ▶ Child Guidance Center, in the amount of \$2,500, for a child abuse prevention campaign.
- ▶ Friendship Home, in the amount of \$1,175, for the "New Beginnings" program.
- ▶ Hispanic Center, in the amount of \$5,000, for the Latino Club - Ages Kindergarten through fifth grade.
- ▶ Indian Center, in the amount of \$1,500, for conferences for youth.
- ▶ Lincoln Action Program, in the amount of \$4,500, for the Basic Life Skills Project.
- ▶ Lincoln Literacy Council, in the amount of \$2,500, for materials and recruitment training.
- ▶ Mediation Center, in the amount of \$3,750, for "Teach CRE" at the Lighthouse.
- ▶ Nebraska AIDS Project, in the amount of \$3,000, for a prevention campaign in Lincoln.
- ▶ Peoples City Mission, in the amount of \$2,500, for start-up of a child care program.
- ▶ Planned Parenthood, in the amount of \$5,000, for three bilingual health care videos.
- ▶ YWCA, in the amount of \$4,500, for "Kids Only Respite Care".
- ▶ Northeast Family Resource Center, in the amount of \$1,750, for a parent/child art program.

6) **NEW BUSINESS CONTINUED:**

**MOTION:** Heier moved and Stevens seconded approval. Hudkins, Stevens, Workman and Heier voted aye. Motion carried.

**N. Lancaster County Board of Commissioners Committee Assignments for 2002.**

**MOTION:** Heier moved and Hudkins seconded approval. Stevens, Workman, Hudkins and Heier voted aye. Motion carried.

**O. A request from Michael Rodgerson for a refund of 2000 personal property taxes, in the approximate amount of \$71.10.**

**MOTION:** Heier moved and Stevens seconded approval of a refund of 2000 personal property taxes, in the approximate amount of \$71.10, for Michael Rodgerson. Heier, Workman, Hudkins and Stevens voted aye. Motion carried.

7) **CONSENT ITEMS:** These are items of business that are routine and which are expected to be adopted without dissent. Any individual item may be removed for special discussion and consideration by a Commissioner or by any member of the public without prior notice. Unless there is an exception, these items will be approved as one with a single vote of the Board of Commissioners. These items are approval of:

**A. Receive and Place on File:**

**1. Records and Information Management's Monthly Report for January, 2002.**

**B. Setting of a public hearing for Tuesday, February 26, 2002 at 1:30 p.m. in the County Commissioners Chambers, Room 112, on the first floor of the County-City Building for County Final Plat 01036, Prairie Vista, requested by Lyle Loth of ESP on behalf of Andrew and Tamera Ingwerson, for six lots on property generally located south of North 176<sup>th</sup> Street and Fletcher Avenue in Lancaster County, Nebraska.**

**C. An agreement with Professional Office Systems to provide routine maintenance on the Lektriever power files located in the Clerk of the District Court's Office beginning January, 2002 and ending December 31, 2002. The County will pay \$1,750 for the service. (C-02-56)**

7) **CONSENT ITEMS CONTINUED:**

**D. Requests from the following individuals to voluntarily participate in the Lancaster County Retirement Plan:**

- ▶ **Jessie A. Aaman, an employee with Lancaster Manor**
- ▶ **Cathie Guida, an employee with Lancaster Manor**

**MOTION:** Hudkins moved and Stevens seconded approval of the Consent Items. Stevens, Workman, Heier and Hudkins voted aye. Motion carried.

8) **ADJOURNMENT:**

**MOTION:** At 2:17 p.m. Heier moved and Hudkins seconded adjournment of the Board of Commissioners meeting. Stevens, Workman, Heier and Hudkins voted aye. Motion carried.

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Bruce Medcalf  
County Clerk